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December 5, 2022

VIA ECF

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

Re: *Sjunde AP-Fonden et al. v. Gen. Elec. Co. et al.*, No. 1:17-cv-8457 (JMF)

Dear Judge Furman:

On behalf of Defendants General Electric Company (“GE”) and Jeffrey S. Bornstein in the above-referenced action (together, “Defendants”), we write pursuant to Rule 7(C) of the Court’s Individual Rules and Practices for the limited request that confidential excerpts of one deposition transcript—filed in connection with Defendants’ December 5, 2022 summary judgment and *Daubert* filings (“Defendants’ Filings”)—remain under seal.

In the interest of judicial economy and to avoid redundancy in their filings, Defendants incorporate by reference the legal authorities and arguments contained in their prior letter motions to seal (Dkt. 348, 386), and submit this consolidated letter in connection with all of Defendants’ Filings. Additionally, the Court has previously ruled in favor of redacting or sealing similar materials that were attached to prior filings in this matter. *See* Order (Dkt. 240); Order (Dkt. 304); Order (Dkt. 319); Order (Dkt. 326); Order (Dkt. 361) (temporarily sealing); Order (Dkt. 387) (temporarily sealing); Order (Dkt. 389) (temporarily sealing). Accordingly, Defendants Filings contain redactions concerning certain materials covered by those prior orders.

As set forth in Defendants’ prior sealing requests, disclosure of the below information contained in GE’s confidential documents would risk potential harm to Defendants’ competitive business, and, accordingly, should be sealed:¹

Exhibit 129 is an excerpt of the transcript of a deposition taken in this matter of a former GE employee. It contains information derived from GE’s confidential documents, including detailed information about GE’s financial strategies and customer relationships.

¹ Citations to “Exhibit _” refer to exhibits attached to the Supplemental Declaration of Blake T. Denton, submitted concurrently herewith.

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Respectfully submitted,

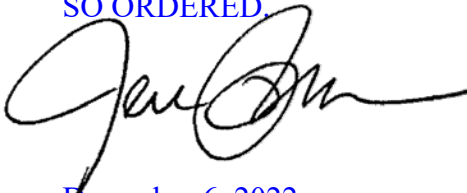


Blake T. Denton
of Latham & Watkins LLP

cc: All counsel of record (via ECF)

The Motion to Seal is granted temporarily. Any opposition to the Motion shall be filed by December 13, 2022. The Court will assess whether the keep the materials at issue sealed or redacted on a permanent basis when deciding the underlying motions. The Clerk of Court is directed to terminate ECF No. 394.

SO ORDERED.



December 6, 2022